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STATE OF MICHIGAN

COURT OF APPEALS

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November 10, 2026
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In re I. WILLIAMS, Minor.

Nos. 377228; 377229
Wayne Circuit Court
Family Division
LC No. 2018-000387-NA

Before: ACKERMAN, P.J., and BORRELLO and KOROBKIN, JJ.

PER CURIAM.

Respondents appeal by right the trial court's order terminating their parental rights to their minor child. The trial court terminated respondent-mother's parental rights under MCL 712A.19b(3)(c)(*i*) (conditions of adjudication continue to exist), (g) (failure to provide proper care and custody), (i) (failure to rectify conditions leading to prior termination), and (j) (reasonable likelihood that child will be harmed if returned to parent), and respondent-father's parental rights under MCL 712A.19b(3)(c)(*i*) and (g). On appeal, respondent-mother contends that the trial court clearly erred by finding that petitioner, the Department of Health and Human Services, made reasonable efforts to reunify her with the child, that there were statutory grounds to terminate her parental rights, and that termination was in the child's best interests. Respondent-father also contests the trial court's finding that the termination of his parental rights was in the child's best interests. For the reasons stated in this opinion, we disagree with respondents' arguments and therefore affirm.

I. BACKGROUND AND FACTS

The day after the child's birth in March 2022, Children's Protective Services (CPS) received a referral after the child and respondent-mother tested positive for tetrahydrocannabinol (THC).[1] Further investigation revealed that respondent-mother's parental rights to five other

[1] "THC[] is the physiologically active component of marijuana." *People v Koon*, 494 Mich 1, 3 n 3; 832 NW2d 724 (2013).

children were terminated in 2019 due to drug use, lack of housing, and failure to comply with her treatment plan, and that respondent-father previously released his parental rights to two other children.

Petitioner filed a petition to terminate respondents' parental rights in May 2022. The child was removed from respondents' care following the preliminary hearing that month and was later placed with a maternal cousin beginning in April 2023. The trial court further determined, in September 2022, that the child came within the court's jurisdiction after respondents pleaded no contest. The trial court accepted respondents' pleas on the basis of a CPS report that, in pertinent part, noted the prior terminations of respondent-mother's parental rights, her drug use and lack of housing, respondent-father's release of his parental rights to two other children, and his report of no source of income. At that time, the trial court ordered both respondents to obtain legal income and suitable housing and ordered respondent-mother to attend substance-abuse therapy and submit to drug screens, among other directives.

Throughout the remainder of the trial court proceedings, respondents participated in a variety of provided services but, despite assistance, never obtained suitable housing. As of the first statutory-grounds hearing in May 2024, respondent-mother received monthly supplemental security income due to her disabilities—attention-deficit hyperactivity disorder (ADHD) and depression—but respondent-father had not shown proof of income in 2024. In August 2024, the trial court found statutory grounds to terminate respondents' parental rights. In June 2025, the trial court further found that termination was in the child's best interests. The trial court accordingly ordered that respondents' parental rights be terminated.

Respondents now appeal.

II. STANDARD OF REVIEW

This Court "review[s] for clear error the trial court's factual finding that petitioner made reasonable efforts to reunify respondents with the child." *In re Atchley*, 341 Mich App 332, 338; 990 NW2d 685 (2022). We also review for clear error a "trial court's ruling that a statutory ground for termination has been established and its ruling that termination is in the child[]'s best interests." *In re Mota*, 334 Mich App 300, 320; 964 NW2d 881 (2020) (quotation marks and citation omitted). "Clear error exists when some evidence supports a finding, but a review of the entire record leaves the reviewing court with the definite and firm conviction that the lower court made a mistake." *In re Dearmon*, 303 Mich App 684, 700; 847 NW2d 514 (2014). In our review under the clear-error standard, we give regard "to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." *In re Mota*, 334 Mich App at 320 (quotation marks and citation omitted).

III. ANALYSIS

A. REASONABLE EFFORTS

Respondent-mother first contends that petitioner failed to make reasonable efforts to avoid the termination of her parental rights by failing to reasonably accommodate her disabilities. We disagree.

Absent certain aggravating circumstances not present in this case, petitioner has a statutory duty to undertake "[r]easonable efforts to reunify the child and family . . . ." MCL 712A.19a(2). This duty in turn requires petitioner to "create a service plan outlining the steps that both it and the parent will take to rectify the issues that led to court involvement and to achieve reunification." *In re Hicks/Brown*, 500 Mich 79, 85-86; 893 NW2d 637 (2017), citing MCL 712A.18f(3)(d). Petitioner must also fulfill "its duty under the [Americans with Disabilities Act, 42 USC 12101 *et seq.*] to reasonably accommodate a disability" by making "reasonable modifications to the services or programs offered to a disabled parent[.]" *In re Hicks/Brown*, 500 Mich at 86. And "[w]hile [petitioner] has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of respondents to participate in the services that are offered[,]" *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012), and to "demonstrate that they sufficiently benefited from the services provided[,]" *In re Atchley*, 341 Mich App at 339 (quotation marks and citation omitted).

With regard to the services provided to respondent-mother, a review of the record reveals that she was assigned a parent partner who provided her housing and mortgage assistance, which included submitting a housing application for respondent-mother. Although respondent-mother's application was accepted, she was unable to receive certification because of positive drug screens. Respondent-mother never obtained suitable housing during the trial court proceedings. Respondent-mother was also referred on numerous occasions for substance-abuse counseling but was terminated from the counseling due to nonparticipation. She also was referred many times for drug screening but failed to undertake many of those screens. Moreover, petitioner provided respondent-mother a recommendation for individual therapy, and respondent-mother participated in individual therapy. Thus, respondent-mother was given access to various services tailored to help her obtain suitable housing and to receive individual and controlled-substance therapy, but did not always fully participate in those services or adequately benefit from them.

On appeal, respondent-mother asserts that petitioner, in providing these housing and therapy services, did not provide reasonable accommodations for her disabilities, specifically ADHD and depression. Respondent-mother does not, however, make "any substantive argument on how [the] [provided] services were deficient or how they were not reasonable or appropriate" given her disabilities. *In re Sanborn*, 337 Mich App 252, 265; 976 NW2d 44 (2021). Nor does respondent-mother identify any additional accommodations or services that she believes petitioner should have provided given her specific needs. See *id.* at 265-266. It is respondent-mother's burden to establish that she "would have fared better if other services had been offered." *Id.* at 266. Without any clarification of what accommodations respondent-mother believes petitioner should have made but did not, "we are left to speculate what other services [petitioner] *could* have offered." *Id.* Moreover, without this clarification, we are left with a record that otherwise demonstrates that services were provided and respondent-mother either did not participate or did not benefit. See *In re Frey*, 297 Mich App at 248; *In re Atchley*, 341 Mich App at 339.

Thus, given the various services petitioner provided to address respondent-mother's housing and therapy needs and respondent-mother's failure to identify how these services were insufficient and what further accommodations she believes should have been provided, we discern no clear error in the trial court's determination that petitioner undertook reasonable efforts to avoid the termination of respondent-mother's parental rights. See *In re Atchley*, 341 Mich App at 338.

B. STATUTORY GROUNDS

Respondent-mother next contends that the trial court clearly erred by finding statutory grounds for termination. We disagree.

A trial court "may terminate a respondent's parental rights if one or more of the statutory grounds for termination listed in MCL 712A.19b(3) have been proven by clear and convincing evidence." *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012). "If the trial court did not clearly err by finding one statutory ground existed, then that one ground is sufficient to affirm the termination of respondent's parental rights." *In re Sanborn*, 337 Mich App at 273. In this case, among other statutory grounds, the trial court found that the termination of respondent-mother's parental rights was appropriate under MCL 712A.19b(3)(c)(*i*). Statutory grounds for termination exist under that provision when, after "182 or more days have elapsed since the issuance of an initial dispositional order," the trial court finds by clear and convincing evidence that "[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age." MCL 712A.19b(3)(c) and (c)(*i*). In other words, "[t]his statutory ground exists when the conditions that brought the child[] into foster care continue to exist despite time to make changes and the opportunity to take advantage of a variety of services." *In re White*, 303 Mich App 701, 710; 846 NW2d 61 (2014) (quotation marks and citation omitted).

In this case, the trial court did not clearly err by finding that termination was appropriate under MCL 712A.19b(3)(c)(*i*). See *In re Mota*, 334 Mich App at 320. First, the trial court issued its initial dispositional order on September 28, 2022 and its statutory-grounds findings on August 1, 2024. This almost two-year difference far surpasses the 182-day threshold. See MCL 712A.19b(3)(c).

Second, the conditions that led to adjudication in this case included respondent-mother's lack of suitable housing and substance-abuse issues. The record undoubtedly supports the trial court's determinations that these conditions continued to exist. See MCL 712A.19b(3)(c)(*i*). The foster care worker testified at the statutory-grounds hearing that respondent-mother had not obtained suitable housing and that she failed to comply with her substance-abuse-counseling and drug-screening requirements. The foster care worker also explained that respondent-mother had been terminated from substance-abuse counseling due to nonparticipation and missed numerous drug screens despite being told that missed screens were considered positive, and of the two screens she did complete, both were positive.

That being said, the only substance that seems to have served as the basis for the trial court's substance-abuse concerns is THC or marijuana, which is now a legal substance under Michigan law. *In re Brown*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 371986); slip op at 7. Thus, without a corresponding finding by the trial court that respondent-mother's use of marijuana negatively impacted her parenting ability or otherwise endangered the child, respondent-mother's use of marijuana could not serve as a basis for finding statutory grounds for termination. See *In re Brown*, ___ Mich App at ___; slip op at 7-8 (concluding that the trial court clearly erred by finding statutory grounds for termination under MCL 712A.19b(3)(c)(*i*) when even though the respondent had missed some drug screens, the foster care worker testified that she

was not concerned that the respondent's marijuana use was impacting her parenting); *In re Richardson*, 329 Mich App 232, 253; 961 NW2d 499 (2019) (requiring a "showing of harm or actual risk of harm to the child that results from" a parent's "undesirable acts," including the use of medical marijuana, to justify the termination of parental rights).

In this case, however, respondent-mother's marijuana use posed an additional complication that was properly considered by the trial court with respect to grounds for termination. The record indicates that respondent-mother's marijuana use prevented her from being approved for the housing to which she applied. According to a report submitted to the trial court, respondent-mother's application for public housing was accepted, but she could not be certified for the housing because she tested positive for drugs. Thus, although respondent-mother's marijuana use did not independently support the trial court's finding of statutory grounds for termination, to the extent that use inhibited her from obtaining suitable housing, the trial court did not err by considering respondent-mother's failure to attain suitable housing on account of such use. And because respondent-mother lacked suitable housing throughout the trial court proceedings, we find no clear error in the trial court's determination that conditions that led to adjudication continued to exist. See *In re Williams*, 286 Mich App 253, 272; 779 NW2d 286 (2009) (concluding that the conditions that led to adjudication, including lack of housing, continued to exist when the respondent "had not accomplished any meaningful change in the conditions existing by the time of the adjudication").

Third, the trial court did not clearly err by finding that respondent-mother's lack of suitable housing would not be rectified within a reasonable time given the age of the child. See MCL 712A.19b(3)(c)(*i*). Respondent-mother asserts that "[t]he case may need a little more time and the reasonable efforts on the part of" petitioner. But as we have noted, the trial court did not clearly err by finding that petitioner made reasonable efforts to reunify respondent-mother with the child. And respondent's desire for additional time to rectify her housing issues overlooks the trial court's finding that there was no reasonable likelihood that she would do so within a reasonable time given the age of the child. See *In re Sanborn*, 337 Mich App at 274. The child was removed from respondents' care in May 2022, about two months after the child's birth, and by the time of statutory-grounds hearing in August 2024, the child had not been in respondents' care for well over two years. Respondent-mother had also been provided services to rectify her lack of suitable housing since at least November 2022, when it was reported that respondent-mother had been assigned a parent partner and had submitted a housing application. Nonetheless, respondent-mother had made little progress in rectifying this issue by the time of the statutory-grounds hearing, as she still lacked suitable housing. In light of this evidence, we discern no clear error in the trial court's finding that respondent's housing issues would not be resolved within a reasonable time considering the child's age. See *In re Williams*, 286 Mich App at 272-273 (concluding that there was no reasonable likelihood that a respondent would rectify her lack of housing within a reasonable time as "the two years [the child] already had spent in foster care, her entire life, constituted too long a period to await the mere possibility of a radical change in [the respondent's] life").

We therefore find no clear error in the trial court's determination that grounds for terminating respondent-mother's parental rights under MCL 712A.19b(3)(c)(*i*) were established by clear and convincing evidence. See *In re Trejo*, 462 Mich 341, 358-360; 612 NW2d 407 (2000) (discerning no clear error in a finding of statutory grounds for termination under MCL

712A.19b(3)(c)(*i*) when the respondent was unable to maintain suitable housing); *In re Mota*, 334 Mich App at 320. The trial court thus did not clearly err by finding statutory grounds for termination. See *In re Olive/Metts*, 297 Mich App at 40; *In re Sanborn*, 337 Mich App at 273.

C. BEST INTERESTS

Respondent-mother and respondent-father both contend that the trial court clearly erred by finding that the termination of their parental rights was in the child's best interests. We again disagree.

"Once a statutory ground for termination has been proven, the trial court must find that termination is in the child's best interests before it can terminate parental rights." *In re Olive/Metts*, 297 Mich App at 40, citing MCL 712A.19b(5); MCR 3.977(E)(4). A trial court determines what is in a child's best interests "on the basis of the preponderance of the evidence." *In re LaFrance*, 306 Mich App 713, 733; 858 NW2d 143 (2014). In deciding whether the termination of a respondent's parental rights is in a child's best interests, a trial court "should place its focus on the child rather than the parent." *In re CJM*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 367565); slip op at 4 (quotation marks and citation omitted). The trial court must "weigh all the evidence available." *In re White*, 303 Mich App at 713. A trial court may consider various factors in making this determination, including "the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *Id.* (quotation marks and citation omitted). Also relevant may be "the parent's compliance with his or her case service plan, the parent's visitation history with the child, the child[]'s well-being while in care, and the possibility of adoption." *Id.* at 714. Moreover, "because a child's placement with relatives weighs against termination," a trial court must explicitly consider that fact when determining whether termination is in the child's best interests. *In re Olive/Metts*, 297 Mich App at 43 (quotation marks and citation omitted).

1. RESPONDENT-MOTHER

In finding that termination of respondent-mother's parental rights was in the child's best interests, the trial court weighed a wide variety of permissible considerations, including respondent-mother's love for the child, the child's relative placement, the child's need for permanency, stability, and finality, and the possibility of adoption. See *In re White*, 303 Mich App at 713-714; *In re Olive/Metts*, 297 Mich App at 43. On appeal, respondent-mother challenges the trial court's weighing of some of the factors it considered. We discern no clear error in the trial court's best-interest determination as to respondent-mother. See *In re Mota*, 334 Mich App at 320.

Respondent-mother first asserts that she completed her case service plan. The trial court found that respondent-mother failed to fully comply with her service plan and pointed out respondent-mother's lack of suitable housing, in noncompliance with her plan. This finding was supported by a plethora of record evidence. Despite the resources petitioner provided to respondent-mother to assist in her housing search, foster care workers consistently testified that respondent-mother did not obtain suitable housing, including at the time of the best-interest hearing in June 2025. The trial court thus did not clearly err by finding that respondent-mother's lack of suitable housing, and her corresponding failure to comply fully with her service plan, weighed in favor of termination.

Respondent-mother also states that she "visits consistently, does not need additional parental coaching[,] and the child is bonded to her." The trial court acknowledged respondent-mother's consistent visits and participation in parenting classes but also noted that respondent-mother was not completely engaged during visits and that she did not benefit from the parenting classes. We discern no clear error in these findings given the foster care worker's testimony that respondent-mother became disengaged during visits, especially by playing on her phone and watching shows that were not always suitable for the child, and another caseworker's testimony that she did not believe that respondent-mother benefited from parenting classes given her exhibited frustration with the child during visits. Although it is unlikely that this kind of behavior, on its own, would establish that termination is in a child's best interests, the trial court did not clearly err by considering it when "weigh[ing] *all* the evidence available." *In re White*, 303 Mich App at 713 (emphasis added). Moreover, with respect to respondent-mother's bond with the child, the trial court explicitly noted respondent-mother's love for the child but found that respondent-mother and the child shared more of a friendly, rather than parent-child, bond. Again, this finding is not clearly erroneous given the child's foster care worker's testimony that respondents and the child shared such a bond. And, again, the trial court did not clearly err by considering it as one factor among many in weighing all the evidence available to determine whether termination was in the child's best interests.

2. RESPONDENT-FATHER

Respondent-father contests the trial court's best-interest determination on similar grounds to those raised by respondent-mother. Like the trial court's best-interest determination as to respondent-mother, in finding that the termination of respondent-father's parental rights was in the child's best interests, the trial court weighed numerous permissible factors, such as the child's need for permanency, stability, and finality, the advantages of the foster home over the parent's home, and the child's well-being in care. See *In re White*, 303 Mich App at 713-714. Respondent-father raises pointed challenges to some of the other factors considered by the trial court, none of which render the trial court's best-interest determination clearly erroneous. See *In re Mota*, 334 Mich App at 320.

First, respondent-father argues that the trial court did not give sufficient weight to the child's relative placement. Respondent-father is correct that this factor must be explicitly considered by a trial court in a best-interest analysis. *In re Olive/Metts*, 297 Mich App at 43. Here, the trial court fulfilled that obligation by explicitly considering the child's relative placement as weighing against termination. But the trial court ultimately found that despite the child's relative placement, the termination of respondent-father's parental rights was nevertheless in the child's best interests, a permissible conclusion under this Court's caselaw. See *id.* ("[T]he trial court may terminate parental rights in lieu of placement with relatives if it finds that termination is in the child's best interests[.]"). And as respondent-father does not otherwise expand on how the trial court erred in considering the child's relative placement, we discern no clear error on this front.

Respondent-father next asserts that he sufficiently complied with his case service plan such that termination was unwarranted. Although, as the trial court acknowledged, some aspects of respondent-father's plan were completed, the trial court ultimately found that respondent-father failed to fully comply with that plan given his lack of suitable housing or a source of income. We find no clear error in the trial court's weighing of this factor in favor of termination. Although

termination is not necessarily in a child's best interests merely because a parent has not completely complied with all aspects of a case service plan, see *In re Brown*, ___ Mich App at ___; slip op at 8, in this case the failure to comply posed a significant risk of harm to the child, particularly with regard to the lack of adequate housing. The trial court thus did not clearly err by finding that the termination of respondent-father's parental rights, when he had no suitable housing for the child nor a source of income, was in the child's best interests.

Respondent-father further challenges the trial court's findings regarding his bond with the child, his visitation history, and parenting ability. Like its findings as to respondent-mother, the trial court's findings that the child and respondent-father "had some bond . . . like, a friendly bond" and that respondent-father would become disengaged with the child were supported by the foster care worker's testimony to that effect. Although respondent highlights some additional testimony as evidence regarding these factors, upon reviewing this evidence, we are not of "the definite and firm conviction that the lower court made a mistake." *In re Dearmon*, 303 Mich App at 700. The trial court's findings as to these factors were supported by record evidence, and it did not clearly err by considering it when weighing all the evidence available. See *In re White*, 303 Mich App at 713. In light of the other noted issues regarding respondent-father's lack of suitable housing or income, the trial court's finding that termination was in the child's best interests was not clearly erroneous.

3. GUARDIANSHIP

Lastly, respondent-mother and respondent-father both contest the trial court's decision to terminate their parental rights in lieu of establishing a guardianship. "Under appropriate conditions, a trial court may forgo termination and instead place a child in a guardianship." *In re Lombard*, 351 Mich App 523, 534; 35 NW3d 751 (2024). This arrangement "allows the child to keep a relationship with the parent when placement with the parent is not possible." *In re TK*, 306 Mich App 698, 705; 859 NW2d 208 (2014). A trial court, however, "is not required to establish a guardianship in lieu of termination if it is not in the child's best interests to do so." *In re Lombard*, 351 Mich App at 534.

The trial court did not clearly err by terminating respondents' parental rights rather than establishing a guardianship in this case. Although the trial court considered the possibility of a guardianship, it ultimately decided that termination was in the child's best interests given the child's need for permanency, stability, and finality and the child's relative placement's preference for adoption. This determination was supported by testimony from the child's relative placement and the foster care worker. The child's relative placement testified that she understood the differences between guardianship and adoption and that she preferred to adopt the child. And the child's foster care worker stated that she did not believe a guardianship was a suitable option here given the child's young age and need for permanency. In light of this evidence, we discern no clear error in the trial court's finding that termination, rather than a guardianship, was in the child's best interests. The child's young age, well-being in her placement, and the relative placement's preference for adoption all supported a determination that termination was in the child's best interests. By contrast, in a guardianship, any "interested person" may petition a trial court to terminate the guardianship, and guardianships are further subject to annual court reviews and, if necessary, additional reviews. *In re TK*, 306 Mich App at 705 (quotation marks and citation omitted). Given respondents' persistent housing issues, the lack of any evidence that resolution of

those issues was on the horizon, and the trial court's finding of the child's need for permanency, stability, and finality, we cannot conclude that the trial court clearly erred by finding that the more permanent solution of terminating respondents' parental rights was in the child's best interests here.

IV. CONCLUSION

The trial court did not clearly err by finding that petitioner made reasonable efforts to reunify respondent-mother and the child, that there were statutory grounds for terminating respondent-mother's parental rights, and that terminating respondent-mother's parental rights was in the child's best interests. Nor did the trial court clearly err by finding that the termination of respondent-father's parental rights was in the child's best interests. The judgment of the trial court is therefore affirmed.

/s/ Matthew S. Ackerman
/s/ Stephen L. Borrello
/s/ Daniel S. Korobkin